

**CONTAINS HIGHLY CONFIDENTIAL INFORMATION  
SUBJECT TO PROTECTIVE ORDER**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:17-cv-00454-GKF-jfj
	)	
1) CASTLE HILL STUDIOS LLC	)	
(d/b/a CASTLE HILL GAMING);	)	
2) CASTLE HILL HOLDING LLC	)	
(d/b/a CASTLE HILL GAMING); and	)	
3) IRONWORKS DEVELOPMENT, LLC	)	
(d/b/a CASTLE HILL GAMING)	)	
	)	
Defendants.	)	

**DECLARATION OF GARY M. RUBMAN IN SUPPORT OF PLAINTIFF’S MOTION  
AND BRIEF IN SUPPORT TO EXCLUDE THE TESTIMONY OF  
W. TODD SCHOETTELKOTTE IN PART**

1. I am an attorney with the law firm of Covington & Burling LLP, counsel for Plaintiff Video Gaming Technologies, Inc. (“VGT”). I was admitted *pro hac vice* in this case on August 9, 2017.

2. Attached as **Exhibit A** is a true and correct copy of the Rebuttal Expert Report of W. Todd Schoettelkotte Relating to Damages. Due to the length of Schedule 10C, we have included only the first page of that schedule. The report itself and the remaining schedules have been included in their entirety.

3. Attached as **Exhibit B** is a true and correct copy of excerpts from the transcript of the deposition of Todd Schoettelkotte, taken on September 22, 2018.

**CONTAINS HIGHLY CONFIDENTIAL INFORMATION  
SUBJECT TO PROTECTIVE ORDER**

4. Attached as **Exhibit C** is a true and correct copy of excerpts from VGT's First Set of Requests for Production of Documents and Things to Castle Hill Gaming, dated September 25, 2017.

5. Attached as **Exhibit D** is a true and correct copy of excerpts from Defendants' Responses to VGT's First Set of Requests for Production of Documents and Things to Castle Hill Gaming, dated November 22, 2017.

6. Attached as **Exhibit E** is a true and correct copy of excerpts from Defendants' Amended Objections and Responses to VGT's First Set of Requests for Production of Documents and Things to Castle Hill Gaming, dated January 29, 2018.

7. Attached as **Exhibit F** is a true and correct copy of an email chain between counsel for VGT and CHG, with the most recent email dated June 13, 2018.

8. Attached as **Exhibit G** is a true and correct copy of VGT's Sixth Set of Interrogatories to Defendants, dated May 25, 2018.

9. Attached as **Exhibit H** is a true and correct copy of Defendants' Response to VGT's Sixth Set of Interrogatories to Defendants, dated June 25, 2018.

10. Attached as **Exhibit I** is a true and correct copy of an email chain between counsel for VGT and CHG, with the most recent email dated July 9, 2018. To assist the Court, we have highlighted portions of the email chain that are most relevant to the present motion.

11. Attached as **Exhibit J** is a true and correct copy of an email chain between counsel for VGT and CHG, with the most recent email dated August 2, 2018.

12. Attached as **Exhibit K** is a true and correct copy of Schedule 11A from the Rebuttal Expert Report of W. Todd Schoettelkotte Relating to Damages.

**CONTAINS HIGHLY CONFIDENTIAL INFORMATION  
SUBJECT TO PROTECTIVE ORDER**

13. Attached as **Exhibit L** is a true and correct copy of an email chain between counsel for VGT and CHG, with the most recent email dated October 1, 2018.
14. Attached as **Exhibit M** is a true and correct copy of an email from Bob Gill, counsel for CHG, to Gary Rubman, counsel for VGT, dated October 2, 2018.
15. Attached as **Exhibit N** is a true and correct copy of a document titled “VGT Severance and Release Agreement,” which is signed by Alan Roireau and November 6, 2011.
16. Attached as **Exhibit O** is a true and correct copy of excerpts from the transcript of the deposition of Alan Roireau, taken on May 15, 2018.
17. Attached as **Exhibit P** is a true and correct copy of excerpts from the transcript of the deposition of Paul Suggs, taken on June 8, 2018.
18. Attached as **Exhibit Q** is a true and correct copy of excerpts from the transcript of the deposition of Jason Sprinkle, taken on May 18, 2018.
19. Attached as **Exhibit R** is a true and correct copy of excerpts from the transcript of the deposition of Brandon Booker, taken on July 10, 2018.
20. Attached as **Exhibit S** is a true and correct copy of an email chain between counsel for VGT and CHG, with the most recent email dated September 11, 2018.
21. Attached as **Exhibit T** is a true and correct copy of excerpts from the 2015 Aristocrat Leisure Limited Annual Report.
22. Attached as **Exhibit U** is a true and correct copy of an email chain between Jason Sprinkle and Rich Sisson, dated February 19, 2015 and containing Bates number CHG0033528.

**CONTAINS HIGHLY CONFIDENTIAL INFORMATION  
SUBJECT TO PROTECTIVE ORDER**

23. Attached as **Exhibit V** is a true and correct copy of an email chain between Jason Sprinkle and other Castle Hill Gaming employees, dated February 6, 2015 and containing Bates number CHG0008379.
24. Attached as **Exhibit W** is a true and correct copy of an email chain between Jason Sprinkle and Zach Trover, dated February 23, 2015 and containing Bates numbers CHG0041144-5.
25. Attached as **Exhibit X** is a true and correct copy of an email from Jason Sprinkle to Rich Sisson, dated January 30, 2015 and an attached presentation titled “2015 Product Strategy.” The exhibit contains Bates numbers CHG0090195-218.
26. Attached as **Exhibit Y** is a true and correct copy of excerpts from the transcript of the deposition of Jon Yarbrough, taken on July 11, 2018.
27. I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2018 in Washington, D.C.



---

Gary M. Rubman

**CONTAINS HIGHLY CONFIDENTIAL INFORMATION  
SUBJECT TO PROTECTIVE ORDER**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2018, I caused an unredacted copy of the foregoing Declaration of Gary M. Rubman in Support of Plaintiff's Motion to Exclude the Testimony of W. Todd Schoettelkotte in Part to be served on the following counsel for Defendants, who have consented to email service, via email:

Robert C. Gill  
Thomas S. Schaufelberger  
Matthew J. Antonelli  
SAUL EWING ARNSTEIN & LEHR, LLP  
1919 Pennsylvania Avenue, NW, Suite 550  
Washington, D.C. 20006  
(202) 295-6605  
(202) 295-6705 (facsimile)  
robert.gill@saul.com  
tschauf@saul.com  
matt.antonelli@saul.com

Sherry H. Flax  
SAUL EWING ARNSTEIN & LEHR, LLP  
500 E. Pratt Street, Suite 900  
Baltimore, Maryland 21202  
(410) 332-8764  
(410) 332-8785 (facsimile)  
sherry.flax@saul.com

James C. Hodges, OBA 4254  
JAMES C. HODGES, PC  
2622 East 21st Street, Suite 4  
Tulsa, OK 74114  
Telephone: (918) 779-7078  
JHodges@HodgesLC.Com

Duane H. Zobrist  
Jonathan S. Jacobs  
ZOBRIST LAW GROUP PLLC  
1900 Arlington Blvd. Suite B  
Charlottesville, VA 22903  
Telephone: (434) 658-6400  
dzobrist@zoblaw.com  
jjacobs@zoblaw.com

*Attorneys for Defendants*

/s/ Gary M. Rubman